

110TH CONGRESS
2D SESSION

S. 3437

To limit the use of certain interrogation techniques, to require notification of the International Committee of the Red Cross of detainees, to prohibit interrogation by contractors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2008

Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mr. HAGEL, Mr. FEINGOLD, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To limit the use of certain interrogation techniques, to require notification of the International Committee of the Red Cross of detainees, to prohibit interrogation by contractors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring America’s
5 Integrity Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) INSTRUMENTALITY.—The term “instrumen-
 2 tality”, with respect to an element of the intelligence
 3 community, means a contractor or subcontractor at
 4 any tier of the element of the intelligence commu-
 5 nity.

6 (2) INTELLIGENCE COMMUNITY.—The term
 7 “intelligence community” has the meaning given
 8 that term in section 3(4) of the National Security
 9 Act of 1947 (50 U.S.C. 401a(4)).

10 **SEC. 3. LIMITATION ON INTERROGATION TECHNIQUES.**

11 No individual in the custody or under the effective
 12 control of personnel of an element of the intelligence com-
 13 munity or instrumentality of an element of the intelligence
 14 community, regardless of nationality or physical location
 15 of such individual or personnel, shall be subject to any
 16 treatment or technique of interrogation not authorized by
 17 the United States Army Field Manual on Human Intel-
 18 ligence Collector Operations.

19 **SEC. 4. NOTIFICATION OF THE INTERNATIONAL COM-**
 20 **MITTEE OF THE RED CROSS.**

21 (a) REQUIREMENT.—The head of an element of the
 22 intelligence community or an instrumentality of such ele-
 23 ment who detains or has custody or effective control of
 24 an individual shall notify the International Committee of
 25 the Red Cross of the detention of the individual and pro-

1 vide access to such individual in a manner consistent with
2 the practices of the Armed Forces.

3 (b) CONSTRUCTION.—Nothing in this section shall be
4 construed—

5 (1) to create or otherwise imply the authority to
6 detain; or

7 (2) to limit or otherwise affect any other rights
8 or obligations which may arise under the Geneva
9 Conventions, other international agreements, or
10 other laws, or to state all of the situations under
11 which notification to and access for the International
12 Committee of the Red Cross is required or allowed.

13 **SEC. 5. PROHIBITION ON INTERROGATIONS BY CONTRAC-**
14 **TORS.**

15 The Director of the Central Intelligence Agency may
16 not permit a contractor or subcontractor to the Central
17 Intelligence Agency to carry out an interrogation of an
18 individual. Any interrogation carried out on behalf of the
19 Central Intelligence Agency shall be conducted by an em-
20 ployee of such Agency.

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